

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION )

MEMORANDUM DECISION

NUMBER 91-4974 (a18732) )

Change Application Number 91-4974 (a18732), in the names of Douglas B. and Linda B. Johnstun and Price River Water User's Association, was filed on February 16, 1995, to change the point of diversion, place and nature of use of 1.6 acre-feet of water. Heretofore, the water has been diverted from Price River at a point North 810 feet and West 990 feet from the SE Corner of Section 10, T12S, R7E, SLB&M, and used for the irrigation of 0.4 acre.

Hereafter, it is proposed to divert 1.6 acre-feet of water from the Price River by means of a portable pump, at a point located South 1200 feet and West 2020 feet from the E½ Corner of Section 36, T13S, R9E, SLB&M. The water is to be used for the irrigation of 0.40 acre in the SW¼SW¼ of Section 36, T13S, R9E, SLB&M.

The application was advertised in The Sun Advocate from March 30, 1995, to April 13, 1995, and was not protested.

It is, therefore, **ORDERED** and Change Application Number 91-4974 (a18732) is hereby **APPROVED** subject to all prior rights, and in accordance with the current appropriation policy for the Colorado River Drainage, adopted March 7, 1990, and according to the following conditions:

- 1) No more water may be diverted during the use period than is represented by the stock in the Price River Water User's Association, or the equivalent that is approved by the Association in times of shortage.
- 2) Installation of a totalizing water meter at the expense of the applicants will be required before any water is diverted. Access to the meter shall be available to the Price River Commissioner for examination at all reasonable times.
- 3) Continued ownership of the stock certificate, which represents the underlying right for this change application, shall be required in order to maintain this application.
- 4) No change of point of diversion or place of use of that water covered by this change application shall be made without first obtaining the approval of the State Engineer.

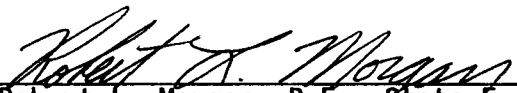
This water right must be totally developed and placed to beneficial use on or before the noted proof due date which is at least five years from the date of approval. Extensions of time on this application beyond this time period will only be considered under unusual conditions.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite

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to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 3rd day of July, 1995

  
Robert L. Morgan, P.E., State Engineer


RLM:MPP:mw

Mailed a copy of the foregoing Memorandum Decision this 3rd day of July, 1995, to:

Douglas B. and Linda B. Johnstun  
P.O. Box 246  
Price, UT 84501

Price River Water User's Association  
Attn: Lyle Bryner  
6495 South Central Miller Creek Road  
Price, UT 84501

Robert Davis  
P.O. Box 108  
Price, UT 84501

BY:   
Maclovio White, Secretary

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION )

NUMBER 91-4966 (a18211) )

MEMORANDUM DECISION

Change Application Number 91-4966 (a18211), in the names of Price River Water User's Association, Skyline Property Owner's Association, and Robert T. and Patricia World, was filed on July 26, 1994, to change the point of diversion, place, nature and period of use of 0.25 acre-foot of water evidenced by Stock Certificate Number 5729 in the Association. Heretofore, the water has been diverted from Fish Creek at a point located North 810 feet and West 990 feet from the SE Corner of Section 10, T17S, R7E, SLB&M, (Scofield Dam). The water has been used for the irrigation of 18904.82 acres, the stockwatering of 108 head of livestock, the domestic purposes of 1404 families, municipal uses in Price, Helper, and Wellington, steam generation, recreation fish culture, commercial, and industrial.

Hereafter, it is proposed to divert 0.25 acre-feet of water from a 6-inch well, 150 feet deep located at a point South 1000 feet and West 500 feet from the NW Corner of Section 17, T13S, R6E, SLB&M. The water is to be used for the part-time domestic purposes of one family in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 17, T13S, R6E, SLB&M.

The application was advertised in The Sun Advocate from August 18, 1994, to September 1, 1994, and was not protested.

It is the opinion of the State Engineer that this change application can be approved without jeopardizing other water rights in the area. The applicants are encouraged to develop this water right according to the proposed application, and adhere to the conditions of the approval.

It is, therefore, **ORDERED** and Exchange Application Number 91-4966 (a18211) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) No more water may be diverted during the use period than is represented by the stock in the Price River Water User's Association, or the equivalent that is approved by the Association in times of shortage.
- 2) The applicants, Robert T. and Patricia World, must install and maintain a totalizing water meter before any water is diverted. Access to the meter must be provided to the State Engineer or his representative at all reasonable times.
- 3) No change in the point of diversion can be made without the prior approval of the State Engineer.
- 4) The shares of stock are the underlying water right for this application. The applicant, Skyline Property Owner's Association, must continue to maintain these shares in good standing, or this application will become void.

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This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 2nd day of December, 1994.

  
Robert L. Morgan, P.E., State Engineer

RLM:MPP:mw


Mailed a copy of the foregoing Memorandum Decision this 2nd day of December, 1994, to:

Price River Water User's Association  
6495 South Central Miller Creek Road  
Price, UT 84501

Skyline Property Owner's Association  
9204 Winter Wren Drive  
Sandy, UT 84093

Robert T. and Patricia World  
339 West 2400 South  
Bountiful, UT 84010

Robert Davis  
P.O. Box 108  
Price, UT 84501

BY:   
Maclovie White, Secretary

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF APPLICATION

NUMBER 91-4951 (A67442)

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MEMORANDUM DECISION

Application Number 91-4951 (A67442), in the name of Arthur J. Anderson, was filed on January 21, 1994, to appropriate 3.0 acre-feet of water from washes, located at the following points: 1) South 1250 feet and West 500 feet from the NE Corner; 2) North 1250 feet and East 1100 feet from the SW Corner; 3) South 500 feet and West 300 feet from the NE Corner; all in Section 2, T15S, R9E, SLB&M. The water is to be used for the supplemental stockwatering of 400 cattle or equivalent. This water will be stored in three ponds, each having a capacity of 1.0 acre-foot, dam height of eight feet, and surface area of 0.25 acre, located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 2, T15S, R9E, SLB&M.

The application was advertised in The Sun Advocate from February 3, 1994, to February 17, 1994, and was not protested.

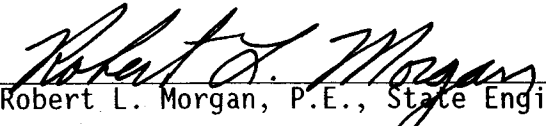
The State Engineer is concerned that the proposed use far exceeds the volume of water sought under this application. He believes the applicant should be made aware there is only enough water available in this application to meet the requirements of 107 cattle or equivalent. This is based on a consumptive use of 2.80 acre-feet of water per 100. Nevertheless, the State Engineer believes the subject application can be approved with the understanding that no more water than 3.0 acre-feet per year will be taken from the combined sources.

It is, therefore, **ORDERED** and Application Number 91-4951 (A67442) is hereby **APPROVED** subject to prior rights and the following conditions:

1. No more than 3.0 acre-feet per year will be taken from any one or all of the sources of water.
2. The State Engineer may, at some future date, require an annual accounting of the water that is stored and used to aid in the administration of this water right.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 12th day of July, 1994

  
Robert L. Morgan, P.E., State Engineer

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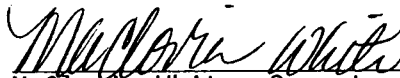
RLM:MPP:mw

Mailed a copy of the foregoing Memorandum Decision this 12th day of July, 1994,  
to:

Arthur J. Anderson  
4190 Fortuna Way  
Salt Lake City, UT 84124

Price River Distribution System  
Attn: Bob Davis, Commissioner  
P.O. Box 108  
Price, Utah 84501

Lee Sim, Assistant State Engineer  
for Adjudication

BY:   
MaClovia White, Secretary